IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas C. AMON et al.

Serial No.:   10/001,761

Filing Date: October 31, 2001

Title: APPARATUS AND METHOD FOR
               PROVIDING A PROVIDER-SELECTED
               MESSAGE IN RESPONSE TO A USER
               REQUEST FOR USER-SELECTED
               INFORMATION

Art Unit: 2153

Examiner: Sean M. Reilly

Customer No.: 23410

AFFIDAVIT OF DAN BAER PURSUANT TO 37 C.F.R. §1.131

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Dan Baer, declare as follows:

1. I am a named inventor on the above-captioned U.S. patent application, Serial

No. 10/001,761.

2. I assisted my co-inventor Thomas C. Amon with reducing the claimed

invention to practice at least as early as September 5, 1996.

3. I met Mr. Amon in May 1996. I know it was this time because we were

introduced by a mutual acquaintance, Dave Roach, whose son played on my son's

basketball team at that time. Mr. Roach introduced us because he knew Mr. Amon did

computer graphics work and I did computer programming work, and he thought it would

be helpful for us to know each other.

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4. In June 1996, Mr. Amon asked me about doing some computer programming work for him. We talked on and off for a few weeks. At the end of July 1996, he proposed to me the concept of having a disclaimer or a similar-type message appear on a computer screen in response to a user selecting information. According to Mr. Amon, the idea was for the user to see the disclaimer or similar-type message first before seeing the user-selected information.

5. Starting at the end of July 1996, I began problem-solving and developing ideas for creating a program that would execute Mr. Amon's idea. Mr. Amon and I would talk every day to every other day on the progress of my program, and I would ask him for input on the program execution. The problem-solving took about two weeks, and then it took me another week or slightly more to complete the program.

6. At one point around early to mid-August 1996, Mr. Amon told me that he wanted the message that was to be displayed in response to the user request to be a commercially-sponsored advertising message. I had to do some extra work to apply the program to an advertising message. Initially with the disclaimer, in that iteration of the code, there was nothing that would automatically liquidate the disclaimer or similar-type message. In other words, a user had to acknowledge receipt of the message to get rid of the disclaimer, before the user information ever appeared. So, I came up with the idea for the advertising message to self-liquidate. Specifically, the ad appeared for a limited time, without the user-selected information, then without user intervention, the ad disappeared and was replaced by the user-selected information. Thus, after the self-liquidation of the advertising message, my program caused the user-selected information to appear. I did this by having code that caused the browser to request the original user information again

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without user intervention. My program ensured that the user information appeared only after the advertising message.

7. The program was compatible with HTML and javascript. I programmed the advertising message to use HTML first, which made it compatible with Internet Explorer. At that time, the Netscape browser would not function with just HTML, so I also programmed the advertising message to use javascript to make it compatible with Netscape. The program I wrote was then able to use either HTML or javascript or both, so that it would be compatible with different web browsers.

8. I tested my idea as stated in this affidavit at my house on my development network that had a server and a client computer, and it worked. Then, near the end of August 1996, I took the program to Mr. Amon's home in Santa Ana, California, and installed it on his laptop. He told me he was going to take his laptop to demonstrate the program at a meeting. I installed the program on his laptop over a week in advance of his meeting. He told me his meeting was on September 5, 1996.

9. The undersigned, being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of the application or document or any registration resulting therefrom, declares that all statements made of his own knowledge are true, and all statements made on information and belief are believed to be true.

3 - 2 - 2006
Date

Dan Baer
Dan Baer

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